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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/764,696

01/26/2004

Sheng Sun

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9176

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Anderson Gorecki & Manaras, LLP

Attn: John C. Gorecki

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CARLISLE, MA 01741

EXAMINER

OSMAN, RAMY M

ART UNIT

PAPER NUMBER

2157

NOTIFICATION DATE

DELIVERY MODE

05/05/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/764,696	Applicant(s) SUN ET AL.	
	Examiner RAMY M. OSMAN	Art Unit 2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 13-23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is responsive to application filed on January 26, 2004. Claims 1-23 are pending examination.

Election/Restrictions

2. Claims 13-23 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/11/2008.

Drawings

3. The drawings filed on 1/26/2004 are acknowledged and are acceptable.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Lines 6-8 of the claim are unclear. It is unclear how the second access point forms affiliation with itself. Also, the claim never mentions that the second access point has/had a prior affiliation with the first access point. So how can the second access point “maintain” something that it never had or was never associated with in the first place. The claim language is unclear,

therefore for purpose of examination the Examiner will interpret the limitations to mean "handoff".

6. Claim 11 rejected under 35 U.S.C. 112, second paragraph, as being indefinite. The claim ends with "... has completed.", but the sentence itself is incomplete. It is unclear what is "completed".

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-12 rejected under 35 U.S.C. 102(b) as being anticipated by Crosbie (US Patent Publication No 2002/01085719).

9. In reference to claim 1, Crosbie teaches a method of forming multiple simultaneous wireless connections by a wireless client in a wireless local area network, the method comprising the steps of:

obtaining a primary affiliation with a first wireless access point (¶ 41 lines 1-8 and Figure 1 #24-1);

maintaining the primary affiliation with the first wireless access point while locating a second wireless access point (¶ 41 and Figure 1 # 24-2);

engaging the second wireless access points to form a second affiliation with the second wireless access point while maintaining the primary affiliation with the first wireless access point (¶s 39 and 41).

10. In reference to claim 2, Crosbie teaches the method of claim 1, wherein the second affiliation is a primary affiliation (¶ 39 lines 16-20).

11. In reference to claim 3, Crosbie teaches the method of claim 1, wherein the second affiliation is a secondary affiliation (¶ 39 lines 1-16).

12. In reference to claim 4, Crosbie teaches the method of claim 1, wherein the step of locating adjacent access wireless access points comprises scanning beacon signals from other wireless access points (¶ 38).

13. In reference to claim 5, Crosbie teaches the method of claim 1, wherein the step of obtaining a primary affiliation with the first wireless access point comprises generating a first request to send message and sending the first request to send message to the first wireless access point (¶s 38-39).

14. In reference to claim 6, Crosbie teaches the method of claim 5, wherein the step of engaging the second wireless access point comprises generating a second request to send message and sending the second request to send message to the first wireless access point (¶ 41).

15. In reference to claim 7, Crosbie teaches the method of claim 6, wherein the second request to send message includes identification information about the second wireless access point (¶s 40-41).

16. In reference to claim 8, Crosbie teaches the method of claim 5, wherein the step of engaging the second wireless access point comprises generating a second request to send

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message and sending the second request to send message to the second wireless access point (§ 41).

17. In reference to claim 9, Crosbie teaches the method of claim 8, wherein the second request to send message includes identification information about the first wireless access point (§s 40-41).

18. In reference to claim 10, Crosbie teaches the method of claim 1, further comprising receiving first data from the first wireless access point and receiving second data from the second wireless access point (§ 38).

19. In reference to claim 11, Crosbie teaches the method of claim 10, wherein the second data is received before receipt of the first data has completed (§ 38).

20. In reference to claim 12, Crosbie teaches the method of claim 10, wherein the wireless client has a first IP address associated with the first affiliation and a second IP address associated with the second affiliation (§s 38-39).

Conclusion

21. The above rejections are based upon the broadest reasonable interpretation of the claims. Applicant is advised that the specified citations of the relied upon prior art, in the above rejections, are only representative of the teachings of the prior art, and that any other supportive sections within the entirety of the reference (including any figures, incorporation by references, claims and/or priority documents) is implied as being applied to teach the scope of the claims.

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAMY M. OSMAN whose telephone number is (571)272-4008. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

RMO
April 27, 2008

/Ramy M Osman/
Primary Examiner, Art Unit 2157